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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

AB-1638-1D US

(Formerly 09375-006004)

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on May 1, 2007

Signature _____

Typed or printed Hugh H. Matsubayashi
name _____

Application Number

09/689,305

Filed

10/12/2000

First Named Inventor

Freeman, Gary A.

Art Unit

3764

Examiner

Richman, Glen E.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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May 1, 2007

Date

Howard R. Popper
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Howard R. Popper

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

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Docket No.: AB-1638-1D (Formerly 09375-006004)

Application No.: 09/689,305

Inventor: Freeman, Gary a.

Art Unit: 3764

Examiner: Richman, Glen E.

REASONS for PRE-APPEAL BRIEF REQUEST FOR REVIEW

The Examiner had rejected claims 13-17, all of the claims pending in the application, on the basis of Jachimowicz, US 6,096,666 issued 08-01-2000 on an application filed in the US on 04-29-1998.

Specifically, in attempting to read claims 13-17 on the Jachimowicz reference the Examiner had referred to (a) col. 2, lines 18-27; (b) col. 2, lines 48-seq.; and (c) col. 3, lines 3-23. Applicants respectfully submit that the cited portions of the Jachimowicz reference do not anticipate claims 13-17. To demonstrate, applicants' claim 13 is compared side by side to the cited portions of the Jachimowicz disclosure:

Applicants' Claim 13:

A wearable article of clothing, comprising: a flexible strap configured and sized to secure onto a wearer, the flexible strap comprising a non-woven holographic layer covering at least a portion of the strap's or surface.

Jachimowicz, col. 2, lines 18-27:

Briefly stated, provided is a textile fiber that selectively absorbs and reflects different wavelengths of light, using the interference properties of light to accomplish this. A plurality of these textile fibers in combination form a holographic textile fabric. The plurality of textile fibers are characterized as including a central core and a plurality of layers of an optical media overcoating the central core. A plurality of interference patterns are created as a result of an incident light upon the plurality of holographic fibers, that in combination form colors, patterns and images.

ARGUMENT: Based on a comparison of the above, it is apparent that Col. 2, lines 18-27 of the Jachimowicz reference does not disclose any of the

particular limitations explicitly set forth in claim 13, namely: flexible strap, sized to secure onto a wearer, or non-woven that are clearly enumerated in claim 13.

Further, a text search of the Jachimowicz reference shows that the limitations set out above in claim 13 are not to be found anywhere else in the Jachimowicz reference. Accordingly, applicants request that the rejection of claim 13 be withdrawn. A comparison of other portions of Jachimowicz cited by the Examiner, i.e., lines 48-seq.; and (c) col. 3, lines 3-23, yields similar “not found therein” results. Accordingly, the rejection on the basis of Jachimowicz is without merit.